

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF INVENTOR(S):

CASSEL, Donald D.

Patent Number: 09/758,615

Examiner: AVERY, B.D.

Filed: 01/10/2001

Art Unit: 3618

Publication No.: 2002/0089130 A1

Publication Date: 07/11/2002

For: **KING PIN NUT FOR SKATEBOARD APPLICATIONS**

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF MARIE MARDEN IN SUPPORT OF PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 C.F.R. § 1.137(a)

Dear Sir:

I, Marie Marden, do hereby declare as follows:

1. I am vice president of Dark Horse Distribution, Inc., ("Dark Horse") a California corporation having a place of business at 1040 Princeton Drive, Marina del Rey, CA 90292.
2. I am and was vice-president during the time and/or have first hand knowledge of all of the events to which I declare below unless otherwise specified as I was intimately involved with the handling of Dark Horse's intellectual property, including its patents and patent applications.

3. Attached as Exhibit 1 is a true and correct copy of the Notice of Allowance and Issue Fee(s) Due that was mailed on March 12, 2003
4. Attached as Exhibit 2 is a true and correct copy of the Notice of Abandonment that was mailed on July 18, 2003.
5. Between the mailing date of the Notice of Allowance and the Notice of Abandonment, as well as for some time thereafter, Applicant Donald Cassel (President of Dark Horse) and Dark Horse never received any communication, correspondence, message, indication or otherwise from his/its attorney that the issue fee was due and payable.
6. Based upon attorney-client privilege and to prevent the waiver thereof, I cannot currently divulge any communications between Mr. Cassel and/or Dark Horse with its prior attorney handling the above-captioned patent application. Note should be taken that I have not done so herein.
7. Dark Horse retained new counsel in April of 2005. Since then, Dark Horse has been preparing its documentation with respect to the activities, and/or lack thereof, by Dark Horse's prior counsel.
8. As a result of the foregoing, I believe that Dark Horse was not properly informed with respect to its duties regarding the Notice of Allowance that issued on March 12, 2003 and that the resulting abandonment of the application was unavoidable.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code

(18 U.S.C. § 1001) and that such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

Respectfully submitted,

Date: June 30, 2005



Marie Marden
Vice-President
Dark Horse Distribution, Inc.

ASJ/kr

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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on:

July 27, 2005

Andrew S. Jordan
Andrew S. Jordan, Reg. No. 33,917

7/27/05
Date